

REMARKS

Applicant acknowledges and appreciates withdrawal of the rejection imposed under 35 U.S.C. §112, second paragraph.

In effort to advance prosecution and further distinguish the claims over that of the applied art, Applicant herein amends independent claims 1, 15, 16, 29 and 30 and adds new claims 31 and 32 to emphasize the integral nature of searching audio for both metadata related to the audio and the audio itself. This is in contrast to the combination of prior art applied by the Examiner which, as best understood to be the position of the Examiner, may suggest using data to find audio segments that are to be assembled into a call. In contrast, the claims as amended require that both a phrase and data values be used for searching, not merely identifying audio segments to be joined or searched. That is, while Glowny uses metadata including CTI data to locate a targeted telephone call, it fails to describe or suggest using such data to select some subset of audio segments that are then subject to being searched to determine if one or more contain certain specified content. Instead, as recognized by the Examiner:

*...Glowny can **reassemble** a call stored in segments (a subset of the audio data stored) using metadata (¶0044)...*

Further, as additionally recognized by the Examiner, at most:

...Clements performs searching on phonetic search tracks (p. 2, §High-Speech Phonetic Searching) and is compatible with metadata (p. 1, §Introduction, Infusion creates an index that links text descriptors...).

However, even if Clements were “compatible with metadata” as asserted, this would not lead to the conclusion that:

...The combination of Clements and Glowny teach the selection of a subset of audio segments for subsequent searching.

While the references individually may mention the terminology and features asserted by the Examiner, in context the references teach away from the claimed invention. In particular, as previously asserted, Glowny fails to describe or suggest using metadata data to select some subset of audio segments that are then subject to being searched to determine if one or more

contain certain specified content. Instead, as recognized by the Examiner, Glowny uses the metadata to **reassemble** a call stored in segments.

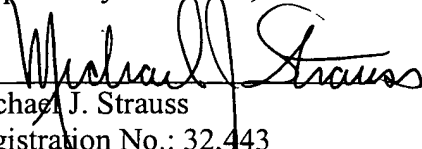
While Applicant continues to assert that the claims as previously presented were patentably distinct from the cited references, alone and in combination, and reserves the right to pursue claims of similar or any other scope supported by the disclosure in future applications, the present amendments to the independent claims and the language of new claims 31 and 32 further emphasize patentability. In particular, the claims now explicitly require searching based on both data associated with audio and the audio content itself. The applied art may use descriptive data about audio files to collect those files for reassembly, but does not teach or suggest use of data in combination with the audio content itself to identify target audio.

In conclusion, for the reasons presented, the outstanding rejection of the claims under 35 U.S.C. §103(a) is believed to be improper in view of the amendments to the claims and withdrawal thereof is respectfully solicited.

Applicant concurrently submits a Petition for a (5) Five-Month Extension of Time and the small entity fee of \$1080.00 and Request for Continued Examination and corresponding small entity fee of \$395.00. An additional \$200.00 is included for the two newly added independent claims. If any further fees are due, please charge our Deposit Account No. 06-2375, under Order No. 436.006/10315734 from which the undersigned is authorized to draw.

Dated: April 24, 2006

Respectfully submitted,

By 
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